

OPEN MEETING

MEMORANDUM

TO: THE COMMISSION

FROM: Utilities Division

DATE: March 9, 2021

RE: IN THE MATTER OF PROPOSED MODIFICATIONS TO THE RULES
REGARDING TERMINATION OF SERVICE.
(DOCKET NO. RU-00000A-19-0132)

INTRODUCTION

Enclosed are the Commission Staff's memorandum and proposed order in the matter of Proposed Modifications to the Rules Regarding Termination of Service (Docket No. RU-00000A-19-0132). This is only a Staff recommendation to the Commission; it has not yet become an order of the Commission. The Commission can decide to accept, amend or reject Staff's proposed order.

You may file comments to the recommendation(s) of the proposed order by e-filing at <https://efiling.azcc.gov/> or filing an original and thirteen (13) copies of the comments with the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona 85007 by 4:00 p.m. on or before **March 19, 2021**.

This matter may be scheduled for Commission deliberation at its Open Meetings scheduled **March 23, 2021, at 10:00 a.m. and March 24, 2021, at 10:00 a.m.**

If you have any questions about this matter, please contact Candrea Allen of our Staff at (602) 364-0235 or Elijah Abinah, Director, at (602) 542-6935.

BACKGROUND AND HISTORY OF THE TERMINATION OF SERVICE RULES

On June 13, 2019, former Commissioner Boyd Dunn's office opened a new generic docket for the investigation and comprehensive review of the Arizona Corporation Commission ("Commission") disconnection rules and the disconnection policies of public service corporations.¹ On June 14, 2019, former Chairman Robert Burns requested that Commission Utilities Division Staff ("Staff") begin an emergency rulemaking to modify and strengthen the Commission's electric utilities termination of service rule, Arizona Administrative Code ("A.A.C.") R14-2-211. On June 14, 2019, this docket was opened by Staff for the purpose of

¹See Docket No. E-00000A-19-0128.

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commencing an emergency rulemaking process to enable the Commission to review and amend the current rules regarding termination of service for electric utilities.

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1026, an agency is permitted to adopt rules on an emergency basis if the agency makes a finding that a rule is necessary as an emergency measure. Specifically, A.R.S. § 41-1026(A) provides that a rule may be adopted as an emergency measure if the rule is necessary to (1) protect the public health, safety or welfare, (2) comply with deadlines in amendments to an agency's governing law or federal programs, (3) avoid violation of federal law or regulation or other state law, (4) avoid an imminent budget reduction, or (5) avoid serious prejudice to the public interest or the interest of the parties concerned. Adoption of the emergency rules was necessary to protect the public health, safety and welfare and were adopted on an emergency basis.

On June 20, 2019, in Decision No. 77260, the Commission approved, as an emergency measure, the revisions to A.A.C. R14-2-211. On June 21, 2019, the approved emergency rules became effective the same day they were presented to the Secretary of State's Office. The emergency rules were in effect for a period of 180 days and expired on December 18, 2019.

During the June 20, 2019, Staff Open Meeting, the Commission voted for approval to direct Staff to commence a regular rulemaking to amend the termination of service procedures for all utilities (electric, gas, water, telephone, and sewer/wastewater). On August 30, 2019, Staff filed its first draft of proposed modifications to the rules regarding the provision of service, termination of service, and administrative reporting requirements for all utilities. On September 26, 2019, Staff filed a revised draft of its proposed modifications to the rules.

On September 30, 2019, and January 30, 2020, Staff held workshops. Participants in the workshops included current and former Commissioners, representatives from utilities, government agencies, energy efficiency and environmental advocacy groups, research entities, consumer advocacy groups, and the public. Many of the same participants also provided written comments. On November 23, 2020, based on discussions during workshops, comments filed, and the Commission's directives, Staff filed its third revised draft of the rules which only included the electric and gas utilities.² Written comments regarding Staff's revised draft were filed by representatives from utilities, consumer advocacy groups, and the general public in December 2020.

Based on Commission directives, written comments, and workshops, Staff believes that modifying the rules related to the provision of service, termination of service, and administrative reporting requirements is in the public interest.

Attached to Staff's Proposed Order as Exhibit A are the modifications to the rules recommended by Staff. These modifications include revisions to A.A.C. Title 14, Chapter 2, Article 2, the rules for Electric Utilities, including R14-2-201 (Definitions), R14-2-208 (Provision of Service), R14-2-211 (Termination of Service), and R14-2-212 (Administrative and Hearing

² Separate dockets were subsequently opened for telecommunications (RT-00000A-19-0248) and water/wastewater (RWS-00000A-19-0247).

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Requirements) as well as a new R14-2-214 (Compliance by Electric Cooperatives). The modifications also include similar revisions to A.A.C. Title 14, Chapter 2, Article 3, the rules for Gas Utilities, including R14-2-301 (Definitions), R14-2-308 (Provision of Service), R14-2-311 (Termination of Service), and R14-2-312 (Administrative and Hearing Requirements) as well as a new R14-2-315 (Compliance by Gas Cooperatives).

STAFF RECOMMENDATION

Staff has recommended that the Commission direct Staff to file, by April 9, 2021, with the Office of the Secretary of State, for publication in the *Arizona Administrative Register* no later than April 30, 2021: (1) a Notice of Rulemaking Docket Opening and (2) a Notice of Proposed Rulemaking.

Staff recommends that the Commission direct Staff to file a draft Economic, Small Business, and Consumer Impact Statement ("EIS") by May 27, 2021.

Based on consultation with the Hearing Division, Staff has further recommended that the Commission direct the Hearing Division to hold telephonic oral proceedings to receive public comment on the Notice of Proposed Rulemaking on June 3 and 4, 2021, at 10:00 a.m. or as soon as practicable thereafter.

Staff has further recommended that interested parties be requested to provide comments concerning the Notice of Proposed Rulemaking by filing written comments with the Commission's Docket Control by June 1, 2021; be requested to provide comments in response to other interested parties' comments by filing written comments with the Commission's Docket Control by June 8, 2021; and be permitted to provide oral comments at the proceedings to be held on June 3 and 4, 2021.

Staff has further recommended that the Commission establish additional procedural deadlines and requirements as may be necessary consistent with the Administrative Procedures Act and prior Commission rulemaking procedures.



Elijah O. Abinah
Director
Utilities Division

EOA:CLA:jn\MAS

ORIGINATOR: Candrea Allen

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 LEA MÁRQUEZ PETERSON

Chairwoman

3 SANDRA D. KENNEDY

Commissioner

4 JUSTIN OLSON

Commissioner

5 ANNA TOVAR

Commissioner

6 JIM O'CONNOR

Commissioner

7 IN THE MATTER OF PROPOSED)
8 MODIFICATIONS TO THE RULES)
9 REGARDING TERMINATION OF SERVICE.)
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DOCKET NO. RU-00000A-19-0132

DECISION NO. _____

ORDER

12 Open Meeting
13 March 23 and 24, 2021
14 Phoenix, Arizona

15 BY THE COMMISSION:

16 FINDINGS OF FACT

17 **Background and History of The Termination of Service Rules**

18 1. On June 13, 2019, former Commissioner Boyd Dunn's office opened a new generic
19 docket for the investigation and comprehensive review of the Arizona Corporation Commission
20 ("Commission") disconnection rules and the disconnection policies of public service corporations.¹ On
21 June 14, 2019, former Chairman Robert Burns requested that Commission Utilities Division Staff
22 ("Staff") begin an emergency rulemaking to modify and strengthen the Commission's electric utilities
23 termination of service rule, Arizona Administrative Code ("A.A.C.") R14-2-211. On June 14, 2019, this
24 docket was opened by Staff for the purpose of commencing an emergency rulemaking process to enable
25 the Commission to review and amend the current rules regarding termination of service for electric
26 utilities.

27 _____
28 ¹See Docket No. E-00000A-19-0128.

2. Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1026, an agency is permitted to adopt rules on an emergency basis if the agency makes a finding that a rule is necessary as an emergency measure. Specifically, A.R.S. § 41-1026(A) provides that a rule may be adopted as an emergency measure if the rule is necessary to (1) protect the public health, safety or welfare, (2) comply with deadlines in amendments to an agency's governing law or federal programs, (3) avoid violation of federal law or regulation or other state law, (4) avoid an imminent budget reduction, or (5) avoid serious prejudice to the public interest or the interest of the parties concerned. Adoption of the emergency rules was necessary to protect the public health, safety and welfare and were adopted on an emergency basis.

3. On June 20, 2019, in Decision No. 77260, the Commission approved, as an emergency measure, the revisions to A.A.C. R14-2-211. On June 21, 2019, the approved emergency rules became effective the same day they were presented to the Secretary of State's Office.

4. The emergency rules were in effect for a period of 180 days and expired on December 18, 2019.

5. During the June 20, 2019, Staff Open Meeting, the Commission voted for approval to direct Staff to commence a regular rulemaking to amend the termination of service procedures for all utilities (electric, gas, water, telephone, and sewer/wastewater).

6. On August 30, 2019, Staff filed its first draft of proposed modifications to the rules regarding the provision of service, termination of service, and administrative reporting requirements for all utilities. On September 26, 2019, Staff filed a revised draft of its proposed modifications to the rules.

7. On September 30, 2019, and January 30, 2020, Staff held workshops. Participants in the workshops included current and former Commissioners, representatives from utilities, government agencies, energy efficiency and environmental advocacy groups, research entities, consumer advocacy groups, and the public. Many of the same participants also provided written comments.

8. On November 23, 2020, based on discussions during workshops, comments filed, and the Commission's directives, Staff filed its third revised draft of the rules which only included the electric

1 and gas utilities.² Written comments regarding Staff's revised draft were filed by representatives from
2 utilities, consumer advocacy groups, and the general public in December 2020.

3 9. Based on Commission directives, written comments, and workshops, Staff believes that
4 modifying the rules related to the provision of service, termination of service, and administrative
5 reporting requirements is in the public interest.

6 10. Exhibit A, attached hereto and incorporated herein, includes the modifications to the
7 rules recommended by Staff. These modifications include revisions to A.A.C. Title 14, Chapter 2,
8 Article 2, the rules for Electric Utilities, including R14-2-201 (Definitions), R14-2-208 (Provision of
9 Service), R14-2-211 (Termination of Service), and R14-2-212 (Administrative and Hearing
10 Requirements) as well as a new R14-2-214 (Compliance by Electric Cooperatives). The modifications
11 also include similar revisions to A.A.C. Title 14, Chapter 2, Article 3, the rules for Gas Utilities,
12 including R14-2-301 (Definitions), R14-2-308 (Provision of Service), R14-2-311 (Termination of
13 Service), and R14-2-312 (Administrative and Hearing Requirements) as well as a new R14-2-315
14 (Compliance by Gas Cooperatives).

15 **STAFF RECOMMENDATION**

16 11. Staff has recommended that the Commission direct Staff to file, by April 9, 2021, with
17 the Office of the Secretary of State, for publication in the *Arizona Administrative Register* no later than
18 April 30, 2021: (1) a Notice of Rulemaking Docket Opening and (2) a Notice of Proposed Rulemaking
19 for the rule revisions included in Exhibit A hereto.

20 12. Based on consultation with the Hearing Division, Staff has further recommended that the
21 Commission direct the Hearing Division to hold telephonic oral proceedings to receive public comment
22 on the Notice of Proposed Rulemaking on June 3 and 4, 2021, at 10:00 a.m. or as soon as practicable
23 thereafter.

24 13. Staff has further recommended that interested persons be requested to provide comments
25 concerning the Notice of Proposed Rulemaking by filing written comments with the Commission's
26 Docket Control by June 1, 2021; be requested to provide comments in response to other interested
27

28 ² Separate dockets were subsequently opened for telecommunications (RT-00000A-19-0248) and water/wastewater (RWS-00000A-19-0247).

1 persons' comments by filing written comments with the Commission's Docket Control by June 8, 2021;
2 and be permitted to provide oral comments at the proceedings to be held on June 3 and 4, 2021.

3 14. Staff has further recommended that the Commission establish additional procedural
4 deadlines and requirements as may be necessary consistent with the Administrative Procedures Act and
5 prior Commission rulemaking procedures.

6 CONCLUSIONS OF LAW

7 1. Pursuant to Article XV of the Arizona Constitution and A.R.S. Title 40 generally, the
8 Commission has jurisdiction over the matters raised herein.

9 2. It is in the public interest to adopt Staff's recommendations.

10 ORDER

11 IT IS THEREFORE ORDERED that the Utilities Division shall prepare and file, by April 9,
12 2021, with the Office of the Secretary of State, for publication in the *Arizona Administrative Register* no
13 later than April 30, 2021: (1) a Notice of Rulemaking Docket Opening and (2) a Notice of Proposed
14 Rulemaking that includes the text of the rules as included in Exhibit A, attached hereto and incorporated
15 herein by reference.

16 IT IS FURTHER ORDERED that the Hearing Division shall hold oral proceedings to receive
17 public comment on the Notice of Proposed Rulemaking on June 3 and 4, 2021, at 10:00 a.m. or as soon
18 as practicable thereafter.

19 IT IS FURTHER ORDERED that the Hearing Division shall hold each oral proceeding
20 telephonically.

21 IT IS FURTHER ORDERED that any interested person may provide public comment
22 telephonically during either oral proceeding by calling 1-888-450-5996 and using passcode 457395#.

23 IT IS FURTHER ORDERED that interested persons shall be requested to provide initial
24 comments concerning the Notice of Proposed Rulemaking by filing written comments with the
25 Commission's Docket Control by June 1, 2021; be requested to provide comments in response to other
26 interested persons' comments by filing written comments with the Commission's Docket Control by
27 June 8, 2021; and be permitted to provide oral comments at the proceedings to be held on June 3 and 4,
28 2021.

1 IT IS FURTHER ORDERED that the Utilities Division shall ensure that the Preamble to the
2 Notice of Proposed Rulemaking conforms with the requirements of A.R.S. § 41-1001(16) and provides
3 notice of the date, time, and phone number and passcode to participate in the oral proceedings required
4 herein.

5 IT IS FURTHER ORDERED that the Utilities Division shall ensure that the Preamble to the
6 Notice of Proposed Rulemaking states that (1) written comments on the Notice of Proposed Rulemaking
7 must include a reference to Docket No. RU-00000A-19-0132; (2) initial written comments should be
8 filed with the Commission's Docket Control by June 1, 2021; (3) written comments in response to other
9 interested persons' comments should be filed with the Commission's Docket Control by June 8, 2021;
10 and (4) oral comments may be provided at the proceedings to be held on June 3 and 4, 2021.

11 IT IS FURTHER ORDERED that the Utilities Division shall ensure that any written comments
12 filed with the Utilities Division, rather than the Commission's Docket Control, are filed with the
13 Commission's Docket Control.

14 IT IS FURTHER ORDERED that the Utilities Division shall, by May 27, 2021, file with the
15 Commission's Docket Control a draft Economic, Small Business, and Consumer Impact Statement that
16 addresses the economic impacts of the recommended changes to the rules as included in Exhibit A and
17 conforms to the requirements of A.R.S. § 41-1057(A)(2).

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1 IT IS FURTHER ORDERED that the Utilities Division shall, by July 9, 2021, file with the
2 Commission's Docket Control a document including (1) a summary of all written comments filed by
3 interested persons from April 30, 2021, through June 8, 2021, and all oral comments received at the oral
4 proceedings in this matter; (2) the Utilities Division's responses to those comments; and (3) a revised
5 Economic, Small Business, and Consumer Impact Statement or a memorandum explaining why no
6 revision of the prior filed Economic, Small Business, and Consumer Impact Statement is necessary.

7
8 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

9
10 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

11
12 _____
CHAIRWOMAN MÁRQUEZ PETERSON COMMISSIONER KENNEDY

13
14
15 _____
COMMISSIONER OLSON COMMISSIONER TOVAR COMMISSIONER O'CONNOR

16 IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT,
17 Executive Director of the Arizona Corporation Commission,
18 have hereunto, set my hand and caused the official seal of this
19 Commission to be affixed at the Capitol, in the City of Phoenix,
20 this _____ day of _____, 2021.

21 _____
22 MATTHEW J. NEUBERT
EXECUTIVE DIRECTOR

23 DISSENT: _____

24
25 DISSENT: _____

26 EOA:CLA:jn/MAS

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION**

CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES

ARTICLE 2. ELECTRIC UTILITIES

- R14-2-201. Definitions
- R14-2-208. Provision of Service
- R14-2-211. Termination of Service
- R14-2-212. Administrative and Hearing Requirements
- R14-2-214. Compliance by Electric Cooperatives

ARTICLE 3. GAS UTILITIES

- R14-2-301. Definitions
- R14-2-308. Provision of Service
- R14-2-311. Termination of Service
- R14-2-312. Administrative and Hearing Requirements
- R14-2-315. Compliance by Gas Cooperatives

ARTICLE 2. ELECTRIC UTILITIES

R14-2-201. Definitions

In this Article, unless the context otherwise requires, the following definitions shall apply. In addition, the definitions contained in Article 16, Retail Electric Competition, shall apply in this Article unless the context otherwise requires.

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. "Customer hours" means the product of the duration of the utility outage and the number of customers affected by said outage.
- ~~11.12.~~ No change
- ~~12.13.~~ No change
- ~~13.14.~~ No change
- ~~14.~~ "Elderly." A person who is 62 years of age or older.
15. No change
16. "Electric Service Provider" or "ESP" means an entity supplying, marketing, or brokering at retail any Competitive Services pursuant to a Certificate of Convenience and Necessity.
17. "Federal poverty level" means the U.S. federal poverty guideline for the pertinent household size published annually in the Federal Register by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and available at <https://aspe.hhs.gov/poverty-guidelines>.
- ~~16.~~ "Handicapped." A person with a physical or mental condition which substantially contributes to the person's inability to manage his or her own resources, carry out activities of daily living, or protect oneself from neglect or hazardous situations without assistance from others.

17. ~~"Illness." A medical ailment or sickness for which a residential customer obtains a verified document from a licensed medical physician stating the nature of the illness and that discontinuance of service would be especially dangerous to the customer's health.~~
18. ~~"Inability to pay." Circumstances where~~ means a circumstance under which a residential customer either:
- a. Cannot pay the full balance of the customer's monthly bill and has attested to and, if requested, has provided documentation issued by an Arizona or U.S. governmental agency or a licensed medical practitioner verifying that the customer meets one of the following:
 - i. Is at least 62 years of age;
 - ii. Has a physical or mental condition that substantially limits the customer's ability to manage resources, carry out activities of daily living, or secure protection from neglect or hazardous situations without assistance from others; or
 - iii. Has a medical condition that makes termination of electric service especially dangerous to the customer's health; or
 - b. Cannot pay the full balance of the customer's monthly bill and meets one of the following as attested to by the residential customer:
 - a. i. Is not gainfully employed and unable to pay;
 - b. ii. Qualifies for monetary government welfare assistance but has not yet begun to receive assistance on the date that he receives his bill and can obtain verification of that fact from the government welfare assistance agency; or
 - c. iii. Has an annual income at or below 200 percent of the federal poverty level and can produce evidence of this; and,
 - d. Signs a declaration verifying that the customer meets one of the above criteria and is either elderly, handicapped, or suffers from illness.
19. ~~"Interruptible electric service." "Interrupt" or "Interruption" means Electric to cease or the cessation of electric service that is subject to interruption as specified in the utility's tariff to a customer at the point of delivery.~~
20. No change
21. No change

22. "Licensed medical practitioner" means one of the following types of health care providers, actively licensed to practice in Arizona:

- a. An allopathic or osteopathic physician,
- b. A registered nurse practitioner, or
- c. A physician assistant.

22.23. No change

23.24. No change

24.25. No change

25.26. No change

26.27. No change

27.28. No change

28.29. No change

29.30. No change

30.31. No change

31.32. No change

32.33. No change

34. "Preferred method of communication" means the communication method that complies with R14-2-212(K).

33.35. No change

34.36. No change

35.37. No change

38. "Service address" means the physical location at which a utility provides service to a customer.

36.39. No change

37.40. No change

38.41. No change

39.42. "Service reconnect charge." The means the charge as-specified in the a utility's tariffs which that must be paid by the a customer prior to restarting of electric service each time the customer's electricity electric service is disconnected terminated for nonpayment or whenever service is discontinued for failure otherwise to comply with the utility's tariffs.

~~40-43.~~ “Service reestablishment charge.” A means the charge as specified in the a utility’s tariffs for that must be paid to reinitiate service at the same location where the same customer had ordered a service disconnection termination within the preceding 12-month period.

~~41-44.~~ No change

~~42-45.~~ No change

~~43-46.~~ No change

~~47.~~ “Terminate” or “Termination” means to discontinue or a discontinuance of electric service to a customer’s service address, by intentional action of the utility, and is synonymous with “disconnect” or “disconnection” as used in this Article.

~~44-48.~~ “Third party notification.” A “Third party” means notice sent to an individual or a public an entity or a person authorized by a customer and willing to receive notification of the customer’s pending discontinuance termination of service of a customer of record in order and to make arrangements to communicate with the utility on behalf of said the customer satisfactory to the utility for the purpose of making arrangements to prevent termination of the customer’s electric service.

~~45-49.~~ No change

~~50.~~ “Utility Distribution Company” or “UDC” means the utility that operates, constructs, and maintains the distribution system for the delivery of power to a point of delivery on the distribution system.

~~46.~~ “Weather especially dangerous to health.” That period of time commencing with the scheduled termination date when the local weather forecast, as predicted by the National Oceanographic and Administration Service, indicates that the temperature will not exceed 32 degrees Fahrenheit for the next day’s forecast. The Commission may determine that other weather conditions are especially dangerous to health as the need arises.

R14-2-208. Provision of Service

A. No change

1. No change

2. No change

3. No change

B. No change

1. No change

2. No change

3. No change

4. No change

5. No change

C. No change

1. No change

2. No change

3. No change

D. Service interruptions

1. No change

2. No change

3. No change

4. When a utility plans to interrupt service for more than four hours to perform necessary repairs or maintenance, the utility shall attempt to inform affected customers and the Commission's Consumer Services Section, at least 24 hours in advance, of the scheduled date and time and of the estimated duration of the service interruption. ~~Such~~ A utility shall complete repairs shall be completed in the shortest possible time to minimize the inconvenience to the customers of the utility.
5. ~~The~~ A utility shall notify the Commission, Commission's Consumer Services Section, shall be notified of any interruption in service affecting the entire a significant portion of a utility's system or any significant portion thereof, as follows:
- a. ~~The interruption of service and cause shall be reported by telephone to the Commission~~ By telephone or by submitting a Service Interruption Report Form through the Commission's website, within two hours as soon as practicable after the a responsible representative of the utility becomes aware of said the interruption; and
 - b. If the initial notice is made by telephone, by submitting a follow-up followed by a written report to the Commission, Commission's Consumer Services Section within 24 hours after the initial notice.
6. A utility's notification made under subsection (D)(5) shall include at least the following:
- a. The names of the utility and of the utility representative making the report.
 - b. The telephone number of the utility representative.

- c. The locations and number of customer connections affected by the service interruption.
- d. The substations and feeders involved in the service interruption.
- e. The date and start and end times of the service interruption.
- f. The cause of the service interruption.
- 7. For purposes of subsection (D)(5), an "interruption in service affecting a significant portion of a utility's system" means:
 - a. A service interruption of 1,000 customer hours or more for a utility with more than 1,000,000 customer connections.
 - b. A service interruption of 500 customer hours or more for a utility with 400,000 to 1,000,000 customer connections, and
 - c. A service interruption of 100 customer hours or more for a utility with fewer than 400,000 customer connections.

E. No change

F. No change

1. No change

2. No change

R14-2-211. Termination of Service

- A. ~~Nonpermissible reasons to disconnect service.~~ Restrictions on termination of service: recordkeeping and repayment requirements ~~A utility may not disconnect service for any of the reasons stated below:~~
- 1. ~~Delinquency~~ A utility shall not terminate service to a customer due to delinquency in payment for services rendered to a prior customer at the premises service address where service is being provided, except in the instance where unless the prior customer continues to reside on at the premises service address.
 - 2. ~~Failure of the customer~~ A utility shall not terminate service to a customer due to the customer's failure to pay for services or equipment which that are not regulated by the Commission.
 - 3. ~~Nonpayment~~ A utility shall not terminate service to a customer due to the customer's nonpayment of a bill related to another class of service.
 - 4. ~~Failure~~ A utility shall not terminate service to a customer due to the customer's failure to pay for the portion of a bill imposed to correct a previous underbilling due to an inaccurate

meter or meter failure, provided that if the customer agrees to pay the portion of the bill attributable to correction of underbilling in full over a reasonable period of time months agreed upon by the customer and the utility. A utility shall comply with R14-2-209(C)(3) and R14-2-210(E)(3) when calculating the underbilling amount to be paid.

5. A utility shall not terminate residential service where the to a customer who has an inability to pay and if the customer establishes, on an annual basis, through documentation from a licensed medical practitioner:

- a. The customer can establish through medical documentation that That, in the opinion of a the licensed medical physician practitioner, termination would be especially dangerous to the health of a the customer or a permanent resident residing on at the customer's premises service address, or
- b. Life supporting That there is medically necessary equipment used in the home that is dependent on utility service for operation of such apparatus, or
- e. Where weather will be especially dangerous to health as defined or as determined by the Commission.

6. Residential service to ill, elderly, or handicapped persons A utility shall not terminate residential service to a customer who have has an inability to pay will not be terminated until the utility has complied with subsection (D) and completed all of the following have been attempted:

- a. The utility has informed the customer has been informed of the availability of funds from various government and social assistance agencies of which the utility is aware; and provided the customer the contact information for those agencies;
- b. Alf a third party has previously been designated by the customer has been notified and has not made arrangements to receive delinquency and termination information, the utility has notified the third party that the customer's bill is delinquent and allowed the third party at least five business days to communicate with the utility and to make arrangements for to pay payment of the outstanding delinquent utility bill.;
- c. At least 48 hours before the date upon which termination is scheduled to occur, the utility has:

- i. Provided at least two written notices of the termination, using the customer's preferred method of communication, to the customer and, if applicable, the customer's designated third party; and
 - ii. Telephoned the customer and, if applicable, the customer's designated third party to provide notice of the termination by attempting to speak to the customer, the customer's designated third party, or an adult resident of the customer's service address or by attempting to leave a voice message.
- 7. If a customer, the customer's designated third party, or an adult resident of the customer's service address threatens the utility or a utility employee, the utility shall document the threatening occurrence. A utility shall maintain documentation of all threatening occurrences related to a customer's account for the entire period during which the customer continues to be a customer and for at least one year after the customer ceases to be a customer.
- 8. A utility shall retain the records demonstrating its compliance with subsection (A)(6) for at least three years.
- ~~7.9.~~ A utility may require a customer utilizing the provisions of whose service is not terminated due to subsection (A)(4) or (A)(5) above may be required to enter into a deferred payment agreement with the utility within ~~40~~ seven business days after the ~~scheduled~~ termination date on which service otherwise would have been terminated.
- ~~8.10.~~ Disputed bills where A utility shall not terminate service due to a customer's failure to pay the disputed portion of a bill if the customer has complied with the Commission's rules on customer bill disputes R14-2-212(B).
- 11. A utility shall adopt only one of the following conditions under which it shall not terminate residential service:
 - a. During any period of time for which the National Weather Service has issued a heat advisory or winter weather advisory in the area of the customer's service address;
 - b. During any period of time for which the local weather forecast, as predicted by the National Weather Service, indicates that the weather in the area of the customer's service address:
 - i. Will include temperatures that do not exceed 32° F;
 - ii. Will include temperatures that exceed 100° F; or

- iii. Will include other weather conditions that the Commission has **determined, by order, are especially dangerous to health; or**
 - c. During the calendar days of June 1 through October 15 of each year, which shall be specified as non-termination dates in a utility's tariffs.
 - 12. A utility shall specify, in its tariffs, the provision of subsection (A)(11), with which the utility has chosen to comply and shall comply with the provision.
 - 13. If a utility is prohibited from terminating a customer's service under subsection (A)(11)(c) as adopted in its tariff, the utility shall:
 - a. Notify the customer, using the customer's preferred method of communication, and, if applicable, the customer's designated third party, of:
 - i. The reason the utility is not permitted to disconnect service.
 - ii. The expected date on which termination of service will be permissible, and
 - iii. The customer's responsibilities under subsection (G);
 - b. Not charge the customer any late fees or assess any interest on any past due amounts that accrue during a period when subsection (A)(11)(c) applies; and
 - c. After subsection (A)(11)(c) no longer applies, bill the customer for the past due amounts through installments over a period of months agreed upon by the customer and the utility.
 - 14. A utility shall not terminate residential service to a customer unless the utility's call center and office or business facilities are open and available to the public on the day of termination and the day following the day of termination.
 - 15. A utility shall not terminate residential service to a customer if the customer has paid at least half of the customer's delinquent bill balance within the last 25 days or if the customer's delinquent bill balance is less than or equal to \$100.00.
 - 16. If a customer has a deposit with the utility, the utility shall use the deposit to pay any delinquent amount on the customer's account before terminating service and shall allow the customer time to reestablish the deposit in installments over a period of at least six months.
- B. Termination of service without advance written notice; recordkeeping requirement
- 1. In a competitive marketplace, the Electric Service Provider cannot order a disconnect for nonpayment but can only send a notice of contract cancellation to the customer and the Utility Distribution Company. Utility service may be disconnected Notwithstanding

subsection (A), a utility may terminate service to a customer's service address without advance written notice under the following conditions if:

- a. The existence of Failure to terminate service would result in an obvious hazard to the safety or health of the consumer customer, or the general population, or the utility's personnel or facilities;
 - b. The utility has evidence of meter tampering or fraud related to the customer or the customer's service address; or
 - c. Failure of a The customer has failed to comply with the curtailment procedures imposed by a the utility during supply shortages.
2. The A utility that has terminated service under subsection (B)(1) shall not be required to restore service until the conditions which situation that resulted in the termination have has been corrected to the satisfaction of the utility.
 3. Each A utility shall maintain a record of all terminations each termination of service without notice made under subsection (B)(1). This record shall be maintained for a minimum of at least one year and shall be make the record available for inspection by the Commission upon request.

C. Termination of service with notice

1. In a competitive marketplace, the Electric Service Provider cannot order a disconnect for nonpayment but can only send a notice of contract cancellation to the customer and the Utility Distribution Company. Except as provided in subsection (A), A a utility may disconnect terminate service to any customer a customer's service address for any of the following reasons, reason stated below provided that the utility has met complied with the notice requirements established by the Commission of subsection (D):
 - a. Customer violation of any of the utility's tariffs or of the Commission's rules,
 - b. Failure of the customer to pay a delinquent bill for utility service,
 - c. Failure of the customer to meet or maintain the utility's deposit requirements,
 - d. Failure of the customer to provide the utility reasonable access to its the utility's equipment and or property,
 - e. Customer breach of a written contract for service between the utility and customer,
 - f. When necessary for the utility to comply with an order of any governmental agency having such jurisdiction; or
 - g. Unauthorized resale of utility equipment or service by the customer.

2. ~~Each~~ A utility shall maintain a record of all terminations each termination of service with notice made under subsection (C). This record shall be maintained for at least one year and shall be make the record available for Commission inspection upon request.

D. Termination notice requirements

1. ~~No~~ At least 10 days before a utility shall terminate terminates service to any of its customers a customer's service address under subsection (C), the utility shall provide the customer and, if applicable, the customer's designated third party, without providing advance written notice to the customer of the utility's intent to disconnect terminate service, except under those conditions specified where advance written notice is not required.
2. The utility shall provide the advance notice required by subsection (D)(1) by providing a copy of the advance notice to the customer and, if applicable, the customer's designated third party, using the customer's preferred method of communication.
- 2.3. ~~Such~~ A utility shall include at least advance written notice shall contain, at a minimum, the following information in an advance notice required under subsection (D)(1):
 - a. The name of the person customer whose service is to be terminated and the service address where service is being rendered, to be terminated;
 - b. If service is to be terminated because the customer has violated a utility tariff or Commission rule, the name of the utility tariff or Commission rule violated and an explanation of the violation;
 - b.c. The utility tariff that was violated and explanation thereof or If service is to be terminated because the customer has failed to pay a delinquent bill for utility service, the amount of the delinquent bill which the customer has failed to pay in accordance with the payment policy of the utility, if applicable, and the date payment was due;
 - d. If service is to be terminated because the customer has failed to meet or maintain the utility's deposit requirements, the amount the customer has on deposit and the amount the customer is required to have on deposit;
 - e. If service is to be terminated because the customer has failed to provide the utility reasonable access to the utility's equipment or property, a description of the access required and a description, including dates, of the customer's failure to provide access;

- f. If service is to be terminated because the customer has breached a written contract for service between the customer and the utility, identification of the contract provision breached and a description of the circumstances constituting a breach;
 - g. If service is to be terminated because the termination is necessary for the utility to comply with an order of any governmental agency having jurisdiction, a description and, if possible, a copy of the order;
 - h. If service is to be terminated because the customer has engaged in unauthorized resale of the utility's equipment or service, a description of the circumstances, including dates, constituting such resale;
 - e.i. The date on or after which service may is to be terminated-;
 - d.j. A statement advising the customer to contact the utility at a specific address or phone number for to receive information regarding any deferred payment program or other procedures which the utility may offer, or to work out-reach some other a mutually agreeable solution to avoid termination of the customer's service-; and
 - e.k. A statement advising the customer that A description of the requirements of subsection (F), along with the specific address or phone number for the customer to call to raise a dispute.
- 3.5. Where applicable-If a customer has designated a third party for the customer's account, a utility shall ensure that a copy of the termination notice will be simultaneously forwarded to the designated third parties party is concurrently provided each notice, whether written or telephonic, that is provided to the customer as required by this Section.
- E. Timing of terminations with notice
- 1. Each utility shall be required to give at least five days' advance written notice prior to the termination date.
 - 2. Such notice shall be considered to be given to the customer when a copy thereof is left with the customer or posted first class in the United States mail, addressed to the customer's last known address.If after the period of time allowed by the advance notice has elapsed, and the delinquent account has not been paid nor arrangements made with the utility for the payment thereof or in the case of a violation of the utility's rules the customer has not satisfied the utility that such violation has ceased customer has not remedied the cause for termination to the utility's satisfaction, the utility shall provide the customer and, if applicable, the customer's designated third party, a final notice, two days before the

- termination date specified, using the customer's preferred method of communication. If the customer has not remedied the cause for termination after the two days have passed, and subsection (A) does not apply, the utility may then terminate service on or after the day specified in the final notice without giving further notice.
2. Notwithstanding subsection (E)(1), if a customer's preferred method of communication, is U.S. mail, the utility shall allow ten days before terminating service without giving further notice.
- 4.3. Service-A utility may only shall comply with subsection (A)(6), if applicable, before it may be disconnected terminate service in conjunction with a personal visit to the premises by an authorized representative of the utility.
- 5.4. The-A utility shall have the right (but not the obligation) but not the obligation to remove any or all of its equipment or other property installed on the at a customer's premises service address upon the termination of service.
- F. Termination notice requirements: disputes. A utility shall ensure that a customer is afforded the right to dispute the utility's stated reason for the termination of services may be disputed, in accordance with the following:
1. A utility shall maintain a specific address or phone number for customers to use to raise a dispute with the utility.
 2. A utility shall notify each customer, subject to termination, and the customer's designated third party, that to dispute the utility's reason for termination, the customer or the customer's designated third party shall by contacting contact the utility at a the specific address or phone number, before the scheduled date of termination, advising to advise the utility of the dispute and making arrangements to discuss the cause for termination with a responsible employee representative of the utility in advance of the scheduled date of termination.
 3. The If a customer raises a dispute, a utility shall ensure that a responsible employee representative shall be of the utility, who is empowered to resolve the customer's dispute, and discusses the cause for termination with the customer before the scheduled termination date.
 4. the If a utility shall retain the option to determines after discussion with a disputing customer terminate service after affording this opportunity for a meeting and concluding

that the reason for termination is just, the utility may terminate service to the customer, unless prohibited by subsection (A).

5. If a utility decides to terminate service to a disputing customer as permitted in subsection (F)(4), the utility advising shall inform the customer of the termination and of his the customer's right to file a complaint with the Commission.

6. The utility shall not terminate service if the customer has a pending complaint before the Commission.

F.G. Landlord/tenant rule. ~~In situations where~~ If the service address for a customer is rendered at an address different from the mailing address of the for the customer's bill, or where the utility knows that a landlord/tenant relationship exists for the service address and that the landlord is the customer of the utility, and where the landlord as a the utility shall comply with subsections (D) and (E) as well as the following if the customer account becomes would otherwise be subject to disconnection termination of service under subsection (C), the utility may not disconnect service until the following actions have been taken:

1. ~~Where~~ If it is feasible to so provide service to the service address in the occupant's name, the utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for obtain service in his or her own the occupant's name;
2. If the occupant then declines to so subscribe to service in the occupant's name, the utility may disconnect terminate service pursuant to the rules as permitted under subsections (C) through (E); and
- 2.3. A The utility shall not require or attempt to recover from a tenant require the occupant to pay or condition service to a tenant with the payment of any outstanding bills or other charges due upon on the outstanding account of the landlord.

H. Customer responsibilities

1. A customer shall be responsible for managing energy use when a utility is not permitted to terminate service to the customer under subsection (A).
2. A customer shall be financially responsible for any charges accrued for service during a period when a utility is not permitted to terminate service to the customer under subsection (A).
3. A customer shall, after the provision of subsection (A)(11) included in a utility's tariff no longer precludes termination:
 - a. Pay the past due amounts in full; or

- b. Pay the past due amounts through installments as billed by the utility, with no penalty for prepayment.
- 4. A customer desiring to dispute a utility's reason for termination shall, before the scheduled date of termination, contact the utility at the specific address or phone number provided in the notice pursuant to subsection (D)(2)(k) to notify the utility of the dispute and discuss the reason for termination with a representative of the utility.
- I. In a competitive marketplace, if a customer's account with an Electric Service Provider becomes delinquent, the Electric Service Provider may not order a disconnect for nonpayment or terminate service to the customer but may only send a notice of contract cancellation to the customer and the Utility Distribution Company.

R14-2-212. Administrative and Hearing Requirements

A. Customer service complaints

- 1. Each utility shall make a full and prompt investigation of all each service complaints complaint made by one of its customers, either whether made directly or through the Commission.
- 2. The Within five business days after a complaint is made, the utility shall respond to the complainant and, if applicable, to the Commission representative within five working days as to regarding the status of the utility investigation of the complaint.
- 3. The utility shall notify the complainant and, if applicable, the Commission representative of the final disposition of each complaint. Upon request of the complainant or the Commission representative, the utility shall report the findings of its investigation in writing.
- 4. The utility shall inform the customer of his the right of to appeal file an informal complaint to with the Commission, under subsection (C)(1), if the customer is dissatisfied with the results of the utility's investigation or the final disposition of the complaint.
- 5. Each utility shall:
 - a. keep Create a record of all-written each service complaints complaint received, which shall contain including, at a minimum, the following data:
 - i. Name and address of the complainant customer;
 - ii. Service address at issue, if different from the customer's address;
 - iii. Date and nature of the complaint;
 - iv. Disposition of the complaint; and

- d. ~~v.~~ A copy of any correspondence between the utility, the customer, and the a
Commission representative; and
- b. ~~This record shall be maintained~~ Maintain each service complaint record for a
minimum period of at least one year after final disposition of the complaint and
shall be make the record available for inspection by the Commission upon request.

B. Customer bill disputes

1. ~~Any A~~ utility customer who disputes a portion of a bill rendered for utility service shall,
prior to the due date for the bill, pay the undisputed portion of the bill and notify the
utility's designated representative a responsible employee representative of the utility that
such the unpaid amount is in dispute prior to the delinquent date of the bill.
2. Upon receipt of the customer customer's notice of dispute, the utility shall:
 - a. ~~Notify the customer within~~ Within five working business days of the receipt of a
written after receiving notice of the dispute notice. , provide the customer
confirmation that the dispute has been received;
 - b. Initiate a prompt investigation as to the source of the dispute;
 - c. ~~Withhold disconnection termination of service until the investigation is completed~~
~~and the customer is has been informed of the results. Upon request of the customer~~
~~the utility shall report the results of the investigation in writing. of the~~
investigation;
 - d. Notify the customer of the results of the investigation and final disposition of the
bill dispute, in writing if requested by the customer; and
 - ~~d.e.~~ Inform the customer of his the right of to appeal file an informal complaint with to
the Commission, under subsection (C)(1) if dissatisfied with the results of the
utility's investigation or final disposition.
3. Once the customer has received the results of the utility's investigation and the utility's
final disposition, the customer shall, within five business days, submit payment within five
working days to the utility for any disputed amounts. Failure to make full payment within
five business days shall be grounds for termination of service under R14-2-211(C)(1)(b).

C. Commission resolution of service and bill disputes

1. ~~In the event If a customer and utility cannot resolve is~~ dissatisfied with the outcome of a
utility's investigation or final disposition of a service or bill dispute, the customer shall
may file with the Commission a written statement of dissatisfaction with the Commission;

~~By submitting such notice to the Commission, the customer, which shall be deemed to have filed an informal complaint against the utility.~~

2. ~~Within 30 days of the receipt of after receiving a written statement of customer dissatisfaction related to a service or bill dispute an informal complaint against a utility, a designated Commission representative of the Commission shall endeavor attempt to resolve the dispute by correspondence or telephone through communications with the utility and the customer (written or telephonic or both). If resolution of the dispute is not achieved within 20 days of the Commission representative's initial effort, the Commission shall hold an a informal hearing to arbitrate the resolution of mediation regarding the dispute. The informal hearing shall be governed by the following rules, in accordance with the following:~~

- a. ~~A Commission representative shall preside over the mediation, and the participants shall be the customer and the utility.~~
- b. ~~Each party participant may be represented by legal counsel, at the participant's own expense, if desired.~~
- ~~b.c.~~ ~~All such informal hearings The mediation may be recorded or held in the presence of a stenographer.~~
- ~~e.d.~~ ~~All parties will Each participant shall have the opportunity to present written or oral evidentiary material to support the positions of the individual parties participant's position.~~
- ~~d.e.~~ ~~All parties Each participant shall have the opportunity to cross-examine the other participant, and the Commission's Commission representative shall be given have the opportunity for cross-examination of the various parties to examine each participant.~~
- ~~e.f.~~ ~~The Commission's Commission representative will shall render a written decision to all parties the participants within five working business days after the date of the informal hearing conclusion of the mediation. Such The written decision of the arbitrator Commission representative shall not be binding on the participants, who any of the parties and the parties will still have shall retain the right to make a formal complaint to the Commission.~~

3. The utility may implement normal termination procedures, under R14-2-211(C)(1)(b), if the customer fails to pay all undisputed bills rendered during the resolution of the dispute by the Commission.
 4. Each utility shall maintain a record of written statements of dissatisfaction and their resolution for ~~a minimum of~~ at least one year and shall make such records available for Commission inspection upon request.
- D. Notice by utility of responsible officer or agent
1. Each utility shall file with the Commission, ~~through Docket Control~~, a written statement containing the name, address (business, ~~residence~~, and ~~post office mailing~~), email, and telephone numbers (business ~~and residence~~) of at least one officer, agent, or employee responsible for the general management of its operations as a utility in Arizona.
 2. Each utility shall give notice, by filing a written statement with the Commission, ~~through Docket Control~~, of any change in the information required herein within five business days from the date of any such change.
- E. Time-frames for processing applications for Certificates of Convenience and Necessity
1. This rule prescribes time-frames for the Commission's processing of any application for a Certificate of Convenience and Necessity ~~issued by the Arizona Corporation Commission~~ filed pursuant to this Article. ~~These time-frames shall apply to applications filed on or after the effective date of this rule.~~
 2. No change
 3. Staff may ~~terminate~~ cease its review of an application if the applicant does not remedy all deficiencies within 60 calendar days of the notice of deficiency.
 4. After receipt of a corrected application, staff shall notify the applicant within 90 calendar days ~~if that~~ the corrected application is either administratively complete or deficient. If the corrected application is deficient, the notice shall specify all deficiencies.
 5. The time-frame for administrative completeness review shall be suspended from the time ~~the~~ a notice of deficiency is issued until staff determines that the application is complete.
 - 5.6. Within 150 days after an application is ~~deemed~~ determined to be administratively complete, the Commission shall approve or reject the application.
 - 6.7. For purposes of A.R.S. § 41-1072 through A.R.S. § 41-1079 et seq., the Commission has established the following time-frames:
 - a. Administrative completeness review time-frame: 120 calendar days.

b. Substantive review time-frame: 150 calendar days; ~~and~~.

c. Overall time-frame: 270 calendar days.

~~7.8.~~ If an applicant requests, and is granted, an extension or continuance, the appropriate ~~time-frame~~ time-frames shall be tolled from the date of the request ~~during and for the duration~~ of the extension or continuance.

~~8.9.~~ During the substantive review time-frame, the Commission may, for good cause, upon its own motion or that of any interested party to the proceeding, ~~request a suspension of~~ suspend the time-frame rules.

F. Filing and availability of tariffs

1. Each utility shall file with the Commission, ~~through Docket Control~~ within 120 days after the effective date of new rules or requirements adopted by the Commission, or within a shorter period ordered by the Commission, tariffs which are in compliance that comply with the new rules and regulations promulgated by the Arizona Corporation or requirements adopted by the Commission within 120 days of the effective date of such rules.

2. Each utility shall file with the Commission, ~~through Docket Control~~, any proposed changes to the utility's tariffs on file with the Commission; ~~such proposed changes shall be accompanied by~~ , along with a statement of justification supporting the proposed ~~tariff change~~ changes.

3. ~~Any~~ A utility's proposed change to the utility's tariffs on file with the Commission shall ~~not be become~~ not be effective until reviewed and approved by the Commission, except as provided for by law.

4. Each utility shall make its applicable tariffs available on its website and, upon request, either in paper form or in a readily accessible electronic format such as Adobe PDF.

G. Accounts and records

1. No change

2. Each utility shall maintain its books and records in conformity with the Uniform Systems of Accounts for Class A, B, C, and D Electric Utilities as adopted and amended by the Federal Energy Regulatory Commission or, for electric cooperatives, as promulgated by the Rural Utilities Service.

3. ~~A~~ Each utility shall produce or deliver in this state any or all of its formal accounting records and related documents requested by the Commission. ~~It A utility~~ may, at its option,

provide verified copies of original records and documents rather than producing the originals.

4. ~~All utilities~~ Each utility shall submit an annual report to the Commission, through the ~~Compliance Section,~~ Utilities Division, on a form prescribed by ~~the~~ Utilities Division. The annual report shall be filed on or before the 15th day of April for the preceding calendar year. ~~Reports~~ If the utility has received a report on the utility prepared by a certified or licensed public accountant on the utility, if any, the utility shall accompany the include a copy of the report with its annual report submission.
5. Each utility shall submit to the Commission, through the Utilities Division, a copy of all reports the utility is required to file with the Securities and Exchange Commission.
- 5-6. ~~All utilities~~ Each utility shall file with submit to the Commission, through the Compliance ~~Section,~~ Utilities Division, a copy of all annual reports the utility is required to file with by the Federal Energy Regulatory Commission and, in addition, for electric cooperatives, each annual reports report the utility is required by to file with the Rural Utilities Service.
- H. ~~Maps. All utilities~~ Each utility shall file with the Commission, through Docket Control, a map or maps clearly setting forth the location and extent of the area or areas ~~they hold under~~ included within the utility's approved certificates of convenience and necessity, in accordance with the Cadastral (Rectangular) Survey of the United States Bureau of Land Management, or by metes and bounds with a starting point determined by the aforesaid Cadastral Survey.
- I. ~~Variations, exemptions of Commission rules and regulations. Variations~~ The Commission may, by order, approve variations or exemptions from the terms and requirements of any of the rules included herein (14 A.A.C. 2, in this Article 2) shall be considered upon the verified either upon application of an affected party to the Commission setting forth the circumstances whereby establishing that the public interest requires such variation or exemption from the Commission rules and regulations or upon determining, on its own initiative, that such variation or exemption is necessary to serve the public interest. Such application will be subject to the review of the Commission, and any variation or exemption granted shall require an order of the Commission. In case of conflict between these rules and regulations and an approved tariff or order of the Commission, the provisions of the approved tariff or order shall apply.
- J. No change
- K. A utility shall obtain and maintain for each customer the customer's preferred method of communication, which may be email, U.S. mail, voice telephone call, text message, or other

communication method acceptable to the utility and the customer. Except as otherwise specified in this Article, a utility shall communicate with a customer and the customer's designated third party using the customer's preferred method of communication. If a utility does not yet have a customer's preferred method of communication on file, the utility may use the U.S. mail.

R14-2-214. Compliance by Electric Cooperatives

- A. The terms and conditions for termination of service in an electric cooperative's tariff approved by the Commission prior to the effective date of this Section shall substitute for the provisions of R14-2-211.
- B. Notwithstanding R14-2-212(F), an electric cooperative that proposes to revise the terms and conditions for termination of service included in its Commission-approved tariff shall file the proposed revisions with the Commission, in a new docket, pursuant to R14-2-212(I). If the Commission fails to approve, disapprove, or suspend for further consideration the proposed revisions within 60 days following the cooperative's filing, the revisions shall be deemed approved and become effective on the 61st day following the filing.

ARTICLE 3. GAS UTILITIES

R14-2-301. Definitions

In this Article, unless the context otherwise requires, the following definitions shall apply:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
 - a. No change
 - b. No change
 - c. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
- ~~18. "Elderly." A person who is 62 years of age or older.~~
- ~~19. "Handicapped." A person with a physical or mental condition which substantially contributes to the person's inability to manage his or her own resources, carry out activities of daily living, or protect oneself from neglect or hazardous situations without assistance from others.~~
- ~~20. "Illness." A medical ailment or sickness for which a residential customer obtains a verifiable document from a licensed medical physician stating the nature of the illness and that discontinuance of service would be especially dangerous to the customer's health in the opinion of a licensed medical physician.~~

18. "Federal poverty level" means the U.S. federal poverty guideline for the pertinent household size published annually in the Federal Register by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and available at <https://aspe.hhs.gov/poverty-guidelines>.
- ~~21.19.~~ "Inability to pay;" Circumstances where means a circumstance under which a residential customer either:
- a. Cannot pay the full balance of the customer's monthly bill and has attested to and, if requested, has provided documentation issued by an Arizona or U.S. governmental agency or a licensed medical practitioner verifying that the customer meets one of the following:
 - i. Is at least 62 years of age;
 - ii. Has a physical or mental condition that substantially limits the customer's ability to manage resources, carry out activities of daily living, or secure protection from neglect or hazardous situations without assistance from others; or
 - iii. Has a medical condition that makes termination of electric service especially dangerous to the customer's health; or
 - b. Cannot pay the full balance of the customer's monthly bill and meets one of the following as attested to by the residential customer:
 - a. i. Is not gainfully employed and unable to pay;
 - b. ii. Qualifies for monetary government welfare assistance but has not yet begun to receive assistance on the date that he receives his bill and can obtain verification of that fact from the government welfare assistance agency; or
 - c. iii. Has an annual income at or below 200 percent of the federal poverty level and can produce evidence of this; and,
 - d. Signs a declaration verifying that the customer meets one of the above criteria and is either elderly, handicapped, or suffers from illness.
- ~~22.20~~ "Interruptible electric service." "Interrupt" or "Interruption" means Gas to cease or the cessation of gas service that is subject to interruption as specified in the utility's tariff to a customer at the point of delivery.

21. "Licensed medical practitioner" means one of the following types of health care providers, actively licensed to practice in Arizona:
- a. An allopathic or osteopathic physician,
 - b. A registered nurse practitioner, or
 - c. A physician assistant.
- 23.22. No change
- 24.23. No change
- 25.24. No change
- 26.25. No change
- 27.26. No change
- 28.27. No change
- 29.28. No change
- 30.29. No change
- 31.30. No change
- 32.31. No change
32. "Preferred method of communication" means the communication method that complies with R14-2-312(K).
- 32.33. No change
- 33.34. No change
- 34.35. No change
- 35.36. No change
- 36.37. No change
38. "Service address" means the physical location at which a utility provides service to a customer.
- 37.39. No change
40. "Service establishment charge." A charge as specified in the utility's tariffs which covers the cost of establishing a new account.
- 38.40. No change
- 40.41. "Service reconnect charge." A means the charge as specified in the a utility's tariffs which that must be paid by the a customer prior to restarting of gas service each time the customer's gas service is disconnected terminated for nonpayment or whenever service is discontinued for failure otherwise to comply with the utility's tariffs.

~~41.42.~~ "Service reestablishment charge." A means the charge as specified in the a utility's tariffs for that must be paid to reinitiate service at the same location where the same customer had ordered a service ~~disconnection~~ termination within the preceding 12-month period.

~~42.43.~~ No change

~~43.44.~~ No change

~~44.45.~~ No change

~~45.46.~~ No change

~~47.~~ "Terminate" or "Termination" means to discontinue or a discontinuance of gas service to a customer's service address, by intentional action of the utility, and is synonymous with "disconnect" or "disconnection" as used in this Article.

~~46.48.~~ No change

~~47.49.~~ "Third party notice." A "Third party" means notice sent to an individual or a public an entity or a person authorized by a customer and willing to receive notification of the customer's pending ~~discontinuance~~ termination of service of a customer of record in order and to make arrangements to communicate with the utility on behalf of said the customer satisfactory to the utility for the purpose of making arrangements to prevent termination of gas service.

~~48.50.~~ No change

~~49.~~ "Weather especially dangerous to health." That period of time commencing with the scheduled termination date when the local weather forecast, as predicted by the National Oceanographic and Administration Service, indicates that the temperature will not exceed 32 degrees Fahrenheit for the next day's forecast. The Commission may determine that other weather conditions are especially dangerous to health as the need arises.

R14-2-308. Provision of Service

A. No change

1. No change

2. No change

3. Each utility may, at its option, refuse service until the customer's pipes and appliances have been tested and found to be safe, free from leaks, and in good operating condition. Proof of such testing shall be in the form of a certificate executed by a licensed plumber ~~of~~ or local inspector, certifying that the customer's facilities have been tested and are in safe operating condition.

4. No change
- B. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
- C. Continuity of service. Each utility shall make reasonable efforts to supply a satisfactory and continuous level of service. However, no utility shall be responsible for any damage or claim of damage attributable to any interruption or discontinuation of service resulting from:
 1. Any cause ~~against which~~ that the utility could not have reasonably foreseen or made provision for, i.e., such as force majeure;
 2. Intentional service interruptions to make repairs or perform routine maintenance; or
 3. Curtailment.
- D. No Change
- E. Service Interruptions
 1. No change
 2. No change
 3. No change
 4. When a utility plans to interrupt service for more than four hours to perform necessary repairs or maintenance, the utility shall attempt to inform affected customers and the Commission's Consumer Services Section, at least 24 48 hours in advance, of the scheduled date and time and of the estimated duration of the service interruption. Such A utility shall complete repairs shall be completed in the shortest possible time to minimize the inconvenience to the customers of the utility.
 5. The A utility shall notify the Commission shall be notified of interruptions any interruption in service affecting the entire utility system or any major division thereof. The interruption of service and cause shall be reported within one hour as soon as practicable after the a responsible representative of the utility becomes aware of said the interruption. If the initial notice is made by telephone, the utility shall submit a follow-up to the Commission and followed by a written report to the Commission.
- F. No Change

G. No Change

1. No change
2. No change

H. No Change

R14-2-311. Termination of service

A. ~~Nonpermissible reasons to disconnect service. Restrictions on termination of service; recordkeeping and repayment~~ A utility may not disconnect service for any of the reasons stated below:

1. ~~Delinquency~~ A utility shall not terminate service to a customer due to delinquency in payment for services rendered to a prior customer at the ~~premises~~ service address where service is being provided, except in the instance where unless the prior customer continues to reside on at the premises service address.
2. ~~Failure of the customer~~ A utility shall not terminate service to a customer due to the customer's failure to pay for services or equipment which that are not regulated by the Commission.
3. ~~Nonpayment~~ A utility shall not terminate service to a customer due to the customer's nonpayment of a bill related to another class of service.
4. ~~Failure~~ A utility shall not terminate service to a customer due to the customer's failure to pay for the portion of a bill imposed to correct a previous underbilling due to an inaccurate meter or meter failure, provided that if the customer agrees to pay the portion of the bill attributable to correction of underbilling in full over a reasonable period of time months agreed upon by the customer and the utility. A utility shall comply with R14-2-309(C)(3) and R14-2-310(E) when calculating the underbilling amount to be paid.
5. A utility shall not terminate residential service where the to a customer who has an inability to pay if the customer establishes, on an annual basis, through documentation from a licensed medical practitioner:
 - a. ~~The customer can establish through medical documentation that~~ That, in the opinion of a the licensed medical physician practitioner, termination would be especially dangerous to the health of a customer or a permanent resident residing on at the customer's premises service address health, or
 - b. ~~Life supporting~~ That there is medically necessary equipment used in the home that is dependent on utility service for operation of such apparatus, or

- e. ~~Where weather will be especially dangerous to health as defined or as determined by the Commission.~~
- 6. ~~Residential service to ill, elderly, or handicapped persons~~ A utility shall not terminate residential service to a customer who have ~~has an inability to pay will not be terminated until the utility has complied with subsection (D) and completed all of the following have been attempted:~~
 - a. ~~The customer utility has been informed the customer of the availability of funds from various government and social assistance agencies;~~
 - b. ~~A If a third party, has previously been designated by the customer has been notified and has not made arrangements to receive delinquency and termination information, the utility has notified the third party that the customer's bill is delinquent and allowed the third party at least five business days to communicate with the utility and to make arrangements for to pay payment of the outstanding delinquent utility bill;~~
 - c. ~~At least 48 hours before the date upon which termination is scheduled to occur, the utility has:~~
 - i. ~~Provided at least two written notices of the termination, using the customer's preferred method of communication, to the customer and, if applicable, the customer's designated third party; and~~
 - ii. ~~Telephoned the customer and, if applicable, the customer's designated third party to provide notice of the termination by attempting to speak to the customer, the customer's designated third party, or an adult resident of the customer's service address or by attempting to leave a voice message.~~
- 7. ~~If a customer, the customer's designated third party, or an adult resident of the customer's service address threatens the utility or a utility employee, the utility shall document the threatening occurrence. A utility shall maintain documentation of all threatening occurrences related to a customer's account for the entire period during which the customer continues to be a customer and for at least one year after the customer ceases to be a customer.~~
- 8. ~~A utility shall retain the records demonstrating its compliance with subsection (A)(6) for at least three years.~~

- 7.9. A utility may require a customer utilizing the provisions of whose service is not terminated under subsection (A)(5) or (A)(6) may be required to enter into a deferred payment agreement with the utility within 10 days after the scheduled termination date on which service otherwise would have been terminated.
- 8.10. Failure A utility shall not terminate service to a customer's service address due to the customer's failure to pay the bill of another customer as guarantor thereof.
- 9.11. Disputed bills where A utility shall not terminate service due to a customer's failure to pay the disputed portion of a bill if the customer has complied with the Commission's rules on customer bill disputes R14-2-312(B).
12. A utility shall adopt only one of the following conditions under which it shall not terminate residential service:
- a. During any period of time for which the National Weather Service has issued a winter weather advisory in the area of the customer's service address; or
 - b. During any period of time for which the local weather forecast, as predicted by the National Weather Service, indicates that the weather in the area of the customer's service address:
 - i. Will include temperatures that do not exceed 32° F; or
 - ii. Will include other weather conditions that the Commission has determined, by order, are especially dangerous to health; or
13. A utility shall specify, in its tariffs, the provision of subsection 311(A)(12), with which the utility has chosen to comply, and shall comply with the provision.
14. A utility shall not terminate residential service to a customer unless the utility's call center and office or business facilities are open and available to the public on the day of termination and the day following the day of termination.
15. A utility shall not terminate residential service to a customer if the customer has paid at least half of the customer's delinquent bill balance within the last 25 days or if the customer's delinquent bill balance is less than or equal to \$75.00.
16. If a customer has a deposit with a utility, the utility shall use the deposit to pay any delinquent amount on the customer's account before terminating service and shall allow the customer time to reestablish the deposit in installments over a period of at least four months.
- B. Termination of service without advance written notice; recordkeeping requirement

1. ~~Utility service may be disconnected~~ Notwithstanding subsection (A), a utility may terminate service to a customer's service address without advance written notice under the following conditions if:
 - a. ~~The existence of~~ Failure to terminate service would result in an obvious hazard to the safety or health of the consumer customer, or the general population, or the utility's personnel or facilities;
 - b. The utility has evidence of meter tampering or fraud related to the customer or the customer's service address; or
 - c. ~~Failure of a~~ The customer has failed to comply with the curtailment procedures imposed by a the utility during supply shortages.
 2. ~~The A utility that has terminated service under subsection (B)(1) shall not be required to restore service until the conditions which situation that resulted in the termination have has been corrected to the satisfaction of the utility.~~
 3. ~~Each A utility shall maintain a record of all terminations each termination of service without notice made under subsection (B)(1). This record shall be maintained for a minimum of at least one year and shall be make the record available for inspection by the Commission upon request.~~
- C. Termination of service with notice
1. ~~A Except as provided in subsection (A), a utility may disconnect terminate service to any customer a customer's service address for any reason stated below of the following reasons, provided that the utility has met complied with the notice requirements established by the Commission requirements of subsection (D):~~
 - a. Customer violation of any of the utility's tariffs or of the Commission's rules;
 - b. Failure of the customer to pay a delinquent bill for utility service;
 - c. Failure of the customer to meet or maintain the utility's deposit requirements;
 - d. Failure of the customer to provide the utility reasonable access to its the utility's equipment and or property;
 - e. Customer breach of a written contract for service between the utility and customer;
 - f. When necessary for the utility to comply with an order of any governmental agency having such jurisdiction; or
 - g. Unauthorized resale of utility equipment or service by the customer.

2. ~~Each A utility shall maintain a record of all terminations~~ each termination of service with notice made under subsection (C). This record shall be maintained for at least one year and shall be make the record available for Commission inspection upon request.

D. Termination notice requirements

1. ~~No At least 10 days before a utility shall terminate~~ terminates service to any of its customers a customer's service address under subsection (C), the utility shall provide the customer without providing advance written notice to the customer of the utility's intent to disconnect terminate service, except under those conditions specified where advance written notice is not required.
2. ~~The utility shall provide the advance notice required by this subsection (D)(1) by providing a copy of the advance notice to the customer and, if applicable, the customer's designated third party, using the customer's preferred method of communication.~~
- 2.3. ~~Such A utility shall include at least advance written notice shall contain, at a minimum, the following information in an advance notice required under subsection (D)(1):~~
 - a. ~~The name of the person customer whose service is to be terminated and the service address where service is being rendered to be terminated;~~
 - b. ~~If service is to be terminated because the customer has violated a utility tariff or Commission rule, the name of the utility tariff or Commission rule violated and an explanation of the violation;~~
 - b.c. ~~The utility tariff that was violated and explanation thereof or If service is to be terminated because the customer has failed to pay a delinquent bill for utility service, the amount of the delinquent bill which the customer has failed to pay in accordance with the payment policy of the utility, if applicable, and the date payment was due;~~
 - d. ~~If service is to be terminated because the customer has failed to meet or maintain the utility's deposit requirements, the amount the customer has on deposit and the amount the customer is required to have on deposit;~~
 - e. ~~If service is to be terminated because the customer has failed to provide the utility reasonable access to the utility's equipment or property, a description of the access required and a description, including dates, of the customer's failure to provide access;~~

- f. If service is to be terminated because the customer has breached a written contract for service between the customer and the utility, identification of the contract provision breached and a description of the circumstances constituting a breach;
 - g. If service is to be terminated because the termination is necessary for the utility to comply with an order of any governmental agency having jurisdiction, a description and, if possible, a copy of the order;
 - h. If service is to be terminated because the customer has engaged in unauthorized resale of the utility's equipment or service, a description of the circumstances, including dates, constituting such resale;
 - e-i. The date on or after which service may is to be terminated;
 - d-j. A statement advising the customer to contact the utility at a specific address or phone number for to receive information regarding any deferred payment program or other procedures which the utility may offer, or to work out reach some other a mutually agreeable solution to avoid termination of the customer's service; and
 - e-k. A statement advising the customer that A description of the requirements of subsection (F), along with the specific address or phone number for the customer to call to raise a dispute.
- 3.4. Where applicable If a customer has designated a third party for the customer's account, a utility shall ensure that a copy of the termination notice will be simultaneously forwarded to the designated third parties party is concurrently provided each notice, whether written or telephonic, that is provided to the customer as required by this Section.
- E. Timing of terminations with notice
- 1. Each utility shall be required to give at least five days' advance written notice prior to the termination date.
 - 2. Such notice shall be considered to be given to the customer when a copy thereof is left with the customer or posted first class in the United States mail, addressed to the customer's last known address. If after the period of time allowed by the advance notice has elapsed, and the delinquent account has not been paid nor arrangements made with the utility for the payment thereof or in the case of a violation of the utility's rules the customer has not satisfied the utility that such violation has ceased customer has not remedied the cause for termination to the utility's satisfaction, the utility shall provide the customer and, if applicable, the customer's designated third party, a final notice, two days before the

termination date specified, using the customer's preferred method of communication. If the customer has not remedied the cause for termination after the two days have passed, and subsection (A) does not apply, the utility may then terminate service on or after the day specified in the final notice without giving further notice.

2. Notwithstanding subsection (E)(1), if a customer's preferred method of communication is U.S. mail, the utility shall allow ten days before terminating service without giving further notice.

4. 3. Service A utility may only shall comply with subsection (A)(6), if applicable, before it may be disconnected terminate service in conjunction with a personal visit to the premises by an authorized representative of the utility.

5-4. The A utility shall have the right (but not the obligation) but not the obligation to remove any or all of its equipment or other property installed on the at a customer's premises service address upon the termination of service.

F. Termination notice requirements; disputes. A utility shall ensure that a customer is afforded the right to dispute the utility's stated reason for the termination of services may be disputed, in accordance with the following:

1. A utility shall maintain a specific address or phone number for customers to use to raise a dispute with the utility.

2. A utility shall notify each customer subject to termination, and the customer's designated third party, that to dispute the utility's reason for termination, the customer or the customer's designated third party shall by contacting contact the utility at a the specific address or phone number, before the scheduled date of termination, advising to advise the utility of the dispute and making arrangements to discuss the cause for termination with a responsible employee representative of the utility in advance of the scheduled date of termination.

3. The If a customer raises a dispute, a utility shall ensure that a responsible employee representative shall be of the utility, who is empowered to resolve the customer's dispute, and discusses the cause for termination with the customer before the scheduled termination date.

4. the If a utility shall retain the option to determines after discussion with a disputing customer terminate service after affording this opportunity for a meeting and concluding

that the reason for termination is just, the utility may terminate service to the customer, unless prohibited by subsection (A).

5. If a utility decides to terminate service to a disputing customer as permitted in subsection (F)(4), the utility advising shall inform the customer of the termination and of his the customer's right to file a complaint with the Commission.

6. The utility shall not terminate service if the customer has a pending complaint before the Commission.

F.G. Landlord/tenant rule. ~~In situations where~~ If the service address for a customer is rendered at an address different from the mailing address of the for the customer's bill, or where the utility knows that a landlord/tenant relationship exists for the service address and that the landlord is the customer of the utility, and where the landlord as a the utility shall comply with subsections (D) and (E) as well as the following if the customer account becomes would otherwise be subject to disconnection termination of service under subsection (C), the utility may not disconnect service until the following actions have been taken:

1. Where If it is feasible to so provide service to the service address in the occupant's name, the utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for obtain service in his or her own the occupant's name;
2. If the occupant then declines to so subscribe to service in the occupant's name, the utility may disconnect terminate service pursuant to the rules as permitted under subsections (C) through (E); and
- 2.3. A The utility shall not require or attempt to recover from a tenant or condition service to a tenant with the payment of require the occupant to pay any outstanding bills or other charges due upon on the outstanding account of the landlord.

H. Customer responsibilities

1. A customer shall be responsible for managing therm use when a utility is not permitted to terminate service to the customer under subsection (A).
2. A customer shall be financially responsible for any charges accrued for service during a period when a utility is not permitted to terminate service to the customer under subsection (A).
3. A customer shall, after the provision of subsection (A)(11) included in a utility's tariff no longer precludes termination:
 - a. Pay the past due amounts in full; or

- b. Pay the past due amounts through installments as billed by the utility, with no penalty for prepayment.
- 4. A customer desiring to dispute a utility's reason for termination shall before the scheduled date of termination, contact the utility at the specific address or phone number, provided in the notice pursuant to subsection (D)(2)(k), to notify the utility of the dispute and discuss the reason for termination with a representative of the utility.

R14-2-312. Administrative and Hearing Requirements

A. Customer service complaints

- 1. Each utility shall make a full and prompt investigation of all each service complaints complaint made by one of its customers, either whether made directly or through the Commission.
- 2. The Within five business days after a complaint is made, the utility shall respond to the complainant and/or and, if applicable, to the Commission representative within five working days as to regarding the status of the utility investigation of the complaint.
- 3. The utility shall notify the complainant and/or and, if applicable, the Commission representative of the final disposition of each complaint. Upon request of the complainant or the Commission representative, the utility shall report the findings of its investigation in writing.
- 4. The utility shall inform the customer of his the right of to appeal file an informal complaint to with the Commission, under subsection (C)(1), if the customer is dissatisfied with the results of the utility's investigation or the final disposition of the complaint.
- 5. Each utility shall:
 - a. keep Create a record of all-written each service complaints complaint received which shall contain including, at a minimum, the following data:
 - i. Name and address of the complainant customer;
 - ii. Service address at issue, if different from the customer's address;
 - iii. Date and nature of the complaint;
 - iv. Disposition of the complaint; and
 - v. A copy of any correspondence between the utility, the customer, and/or and the a Commission representative; and

- b. ~~This record shall be maintained~~ Maintain each service complaint record for a minimum period of at least one year after final disposition of the complaint and shall be make the record available for inspection by the Commission upon request.

B. Customer bill disputes

1. ~~Any A~~ Any A utility customer who disputes a portion of a bill rendered for utility service shall, prior to the due date for the bill, pay the undisputed portion of the bill and notify ~~the utility's designated representative~~ a representative of the utility that ~~such~~ the unpaid amount is in dispute ~~prior to the delinquent date of the bill~~.
2. Upon receipt of the customer notice of dispute, the utility shall:
 - a. ~~Notify the customer within~~ Within five working business days of the receipt of a written after receiving notice of the dispute notice, provide the customer confirmation that the dispute has been received;
 - b. Initiate a prompt investigation as to the source of the dispute;
 - c. ~~Withhold disconnection~~ termination of service until the investigation is completed and the customer ~~is~~ has been informed of the results. ~~Upon request of the customer the utility shall report the results of the investigation in writing, of the investigation;~~
 - d. Notify the customer of the results of the investigation and final disposition of the bill dispute, in writing if requested by the customer; and
 - ~~d.e.~~ Inform the customer of his the right of to appeal file an informal complaint with the Commission, under subsection (C)(1), if dissatisfied with the results of the utility's investigation or final disposition.
3. Once the customer has received the results of the utility's investigation, the customer shall, within five business days, submit payment ~~within five working days~~ to the utility for any disputed amounts. Failure to make full payment within five business days shall be grounds for termination of service under R14-2-311(C)(1)(b).

C. Commission resolution of service ~~and/or~~ and bill disputes

1. ~~In the event If~~ If a customer ~~and utility cannot resolve~~ is dissatisfied with the outcome of a utility's investigation or final disposition of a service ~~and/or~~ or bill dispute, the customer ~~shall may~~ may file with the Commission a written statement of dissatisfaction ~~with the Commission;~~ by ~~By submitting such notice to the Commission, the customer, which~~ submitting such notice to the Commission, the customer, which shall be deemed ~~to have filed~~ an informal complaint against the utility.

2. ~~Within 30 days of the receipt of~~ after receiving ~~a written statement of customer dissatisfaction related to a service or bill dispute~~ an informal complaint against the utility, ~~a designated Commission representative of the Commission shall endeavor attempt to resolve the dispute by correspondence and/or telephone through communications with the utility and the customer (written or telephonic or both).~~ If resolution of the dispute is not achieved within 20 days of the Commission representative's initial effort, the Commission shall hold ~~an a informal hearing to arbitrate the resolution of mediation regarding the dispute. The informal hearing shall be governed by the following rules, in accordance with the following:~~

 - a. A Commission representative shall preside over the mediation, and the participants shall be the customer and the utility.
 - b. Each party participant may be represented by legal counsel, at the participant's own expense, if desired.
 - ~~b.c.~~ All such informal hearings The mediation may be recorded or held in the presence of a stenographer.
 - ~~e.d.~~ All parties will Each participant shall have the opportunity to present written or oral evidentiary material to support the positions of the individual parties participant's position.
 - ~~d.e.~~ All parties Each participant shall have the opportunity to cross-examine the other participant, and the Commission's Commission representative shall be given have the opportunity for cross-examination of the various parties to examine each participant.
 - ~~e.f.~~ The Commission's representative will shall render a written decision to all parties within five working business days after the date of the informal hearing. Such The written decision of the arbitrator Commission's representative is not binding on any of the parties, and the parties will still have shall retain the right to make a formal complaint to the Commission.

3. The utility may implement normal termination procedures, under R14-2-211(C)(1)(b), if the customer fails to pay all undisputed bills rendered during the resolution of the dispute by the Commission.

4. Each utility shall maintain a record of written statements of dissatisfaction and their resolution for ~~a minimum of~~ at least one year and shall make such records available for Commission inspection upon request.

D. Notice by utility of responsible officer or agent

1. Each utility shall file with the Commission a written statement containing the name, address (business, ~~residence~~, and ~~post office mailing~~), email, and telephone numbers (business ~~and residence~~) of at least one officer, agent, or employee responsible for the general management of its operations as a utility in Arizona.
2. Each utility shall give notice, by filing a written statement with the Commission, of any change in the information required herein within five business days from the date of any such change.

E. Time-frames for processing applications for Certificates of Convenience and Necessity

1. This rule prescribes time-frames for the Commission's processing of any application for a Certificate of Convenience and Necessity ~~issued by the Arizona Corporation Commission~~ filed pursuant to this Article. These time frames shall apply to applications filed on or after the effective date of this rule.
2. Each utility shall give notice, by filing a written statement with the Commission, of any change in the information required herein within five business days from the date of any such change.
3. Staff may ~~terminate~~ cease its review of an application if the applicant does not remedy all deficiencies within 60 calendar days of the notice of deficiency.
4. After receipt of a corrected application, staff shall notify the applicant within 30 calendar days ~~if that~~ the corrected application is either administratively complete or deficient. If the corrected application is deficient, the notice shall specify all deficiencies.
5. The time-frame for administrative completeness review shall be suspended from the time ~~the a~~ notice of deficiency is issued until staff determines that the application is complete.
- ~~5-6.~~ Within 150 days after an application is ~~deemed~~ determined to be administratively complete, the Commission shall approve or reject the application.
- ~~6-7.~~ For purposes of A.R.S. § 41-1072 through A.R.S. § 41-1079 ~~et seq.~~, the Commission has established the following time-frames:
 - a. Administrative completeness review time-frame: 120 calendar days.
 - b. Substantive review time-frame: 150 calendar days.

c. Overall time-frame: 270 calendar days.

~~7.8.~~ If an applicant requests, and is granted, an extension or continuance, the appropriate time-frames shall be tolled from the date of the request during and for the duration of the extension or continuance.

~~8.9.~~ During the substantive review time-frame, the Commission may, for good cause, upon its own motion or that of any interested party to the proceeding, ~~request a suspension of~~ suspend the time-frame rules.

F. Filing and availability of tariffs

1. Each utility shall file with the Commission, within 120 days after the effective date of new rules or requirements adopted by the Commission, or within a shorter period ordered by the Commission, ~~tariffs which are in compliance that comply with the new rules and regulations promulgated by the Arizona Corporation~~ or requirements adopted by the Commission within 120 days of the effective date of such rules.
2. Each utility shall file with the Commission any proposed changes to the utility's tariffs on file with the Commission; ~~such proposed changes shall be accompanied by~~ , along with a statement of justification supporting the proposed tariff change changes.
3. ~~Any~~ A utility's proposed change to the utility's tariffs on file with the Commission shall not ~~be-become~~ effective until reviewed and approved by the Commission, except as provided for by law.
4. Each utility shall make its applicable tariffs available on its website and, upon request, either in paper form or in a readily accessible electronic format such as Adobe PDF.

G. Accounts and records

1. No change
2. Each utility shall maintain its books and records in conformity with the Uniform Systems of Accounts for Class A, B, C, and D Gas Utilities as adopted and amended by the Federal Energy Regulatory Commission.
3. ~~A~~ Each utility shall produce or deliver in this state any or all of its formal accounting records and related documents requested by the Commission. ~~# A utility~~ may, at its option, provide verified copies of original records and documents rather than producing the originals.
4. ~~All utilities~~ Each utility shall submit an annual report to the Commission, through the Utilities Division, on a form prescribed by ~~#the Utilities Division.~~ The annual report shall

- be filed on or before the 15th day of April for the preceding calendar year. ~~Reports~~ If the utility has received a report on the utility prepared by a certified or licensed public accountant on the utility, if any, the utility shall accompany the ~~include~~ a copy of the report with its annual report submission.
5. ~~All utilities~~ Each utility shall file with ~~submit to the Commission, through the Utilities Division, a copy of all reports the utility is required by to file with the Securities and Exchange Commission.~~
 6. ~~All utilities~~ Each utility shall file with ~~submit to the Commission, through the Utilities Division, a copy of all annual reports the utility is required by to file with the Federal Energy Regulatory Commission.~~
- H. ~~Maps.~~ All utilities ~~Each utility shall file with the Commission a map or maps clearly setting forth the location and extent of the area or areas they hold under included within the utility's approved certificates of convenience and necessity, in accordance with the Cadastral (Rectangular) Survey of the United States Bureau of Land Management, or by metes and bounds with a starting point determined by the aforesaid Cadastral Survey.~~
- I. ~~Variations, exemptions of Commission rules and regulations.~~ Variations ~~The Commission may, by order, approve variations or exemptions from the terms and requirements of any of the rules included herein (14 A.A.C. Chapter 2, in this Article 3) shall be considered upon the verified either upon application of an affected party to the Commission setting forth the circumstances whereby establishing that the public interest requires such variation or exemption from the Commission rules and regulations or upon determining, on its own initiative, that such variation or exemption is necessary to serve the public interest. Such application will be subject to the review of the Commission, and any variation or exemption granted shall require an order of the Commission. In case of conflict between these rules and regulations and an approved tariff or order of the Commission, the provisions of the approved tariff or order shall apply.~~
- J. No change
- K. A utility shall obtain and maintain for each customer the customer's preferred method of communication, which may be email, U.S. mail, voice telephone call, text message, or other communication method acceptable to the utility and the customer. Except as otherwise specified in this Article, a utility shall communicate with a customer and the customer's designated third party using the customer's preferred method of communication. If a utility does not yet have a customer's preferred method of communication on file, the utility may use the U.S. mail.

R14-2-315. Compliance by Gas Cooperatives

- A. The terms and conditions for termination of service in a gas cooperative's tariff approved by the Commission prior to the effective date of this Section shall substitute for the provisions of R14-2-311.
- B. Notwithstanding R14-2-312(F), a gas cooperative that proposes to revise the terms and conditions for termination of service included in its Commission-approved tariff shall file the proposed revisions with the Commission, in a new docket, pursuant to R14-2-312(I). If the Commission fails to approve, disapprove, or suspend for further consideration the proposed revisions within 60 days following the cooperative's filing, the revisions shall be deemed approved and become effective on the 61st day following the filing.